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BY-LAW TO REGULATE THE USE OF REGIONAL ROADS

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



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ACCURATE REFERENCE PLEASE CHECK
ORIGINAL BY-LAW

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTHBY-LAW NO. R77- 109TO REGULATE THE USE OF REGIONAL ROADS

WHEREAS Section 34 of The Regional Municipality of Hamilton-Wentworth Act, S.O. 1973, chapter 74, confers upon the Regional Corporation in respect of the roads included in the Regional Road System, all the rights, powers, benefits and advantages conferred upon the corporation of the area municipality which had jurisdiction over the roads before they became part of the Regional Road System, and

WHEREAS The Corporation of the City of Hamilton has passed By-laws Nos. 9329, 74-267, 75-292, 75-315 and 76-90 respecting streets and vehicle ramps on City streets, and

WHEREAS it is advisable to adopt the aforesaid City of Hamilton By-laws with certain exceptions respecting certain City streets incorporated into the Regional Road System and to regulate these roads within the limits of the City of Hamilton.

NOW THEREFORE the Council of The Regional Municipality of Hamilton-Wentworth enacts as follows:-

1. By-law No. 9329 of the City of Hamilton, a true copy of which is attached hereto as Schedule "A", passed on the 9th. day of May 1961, as amended, excepting therefrom Sections 3(3), 3(4), 15(1), 15(2), 15(4), 15(6) and 16(7) is hereby reconfirmed and adopted so as to govern the use of Regional Roads within the City of Hamilton.
2. The terms City Engineer, Director of the Traffic Department, Street Commissioner and Building Commissioner as used in the said By-law No. 9329 shall be deemed to refer to the Commissioner of Engineering of the Regional Municipality of Hamilton-Wentworth.
3. References to the City Council, City Corporation and the Hamilton Planning Board shall be deemed to refer to the Regional Council, Regional Corporation and the Planning and Development Committee of Regional Council, respectively.
4. The provisions of the said By-law No. 9329 applies to those Regional Roads within the limits of the City of Hamilton as set out in Regional By-law 77-78, Schedule "A" thereto.
5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 5th day of July 1977.

CHAIRMAN

CLERK

(with amendments up to and including By-law No. 73-366)

Respecting Streets, Watercourses, Fireworks and Miscellaneous Public Matters.

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SHORT TITLE

1. This By-law may be known and referred to as the Streets By-law (New).

ADMINISTRATION AND ENFORCEMENT

2. (1) Administration, Save as otherwise provided in the By-law Relating to the Duties of Officers with respect to the duties and responsibilities of the Street Commissioner relating to the removal of snow and ice, and to repairs and maintenance and otherwise, and with respect to the duties and responsibilities of the Director of the Traffic Department in matters relating to traffic, and save as otherwise provided herein and in said By-law, the administration and carrying into effect of the provisions of the By-law shall be the duty and responsibility of the City Engineer, assisted by the members of the police force of the City of Hamilton pursuant to the provisions of The Police Act and other statutes in that behalf, provided that the members of the police force shall be primarily responsible for the administration and enforcement of the provisions of subsections 1 and 2 of section 15, and the provisions of section 16.

(9643,S.2)

(2) Enforcement. In default of the doing of any matter or thing by any person required by the provisions of this By-law to do it, such matter or thing shall be done at his expense, and the expense incurred in doing it shall be recovered by action, or in like manner as municipal taxes.

(3) Power to Restrain by Action. Where any provision of this By-law is contravened, such contravention may, in addition to any other remedy and to any penalty which may be imposed, be restrained by action at the instance of a ratepayer or the City Corporation or a local board. (5789/46, S.2, revised)

RECORD OF THE HIGHWAYS AND NUMBERING OF BUILDINGS

3. (1) Street-Names. The Hamilton Planning Board is authorized to recommend to the City Council from time to time, names for unnamed highways, and names for highways the names of which are desired to be changed.

(2) Street-Name Signs. The Director of the Traffic Department is authorized and directed to affix at the corners of highways, on public or private property, highway name-signs of such type and to such number as may from time to time be authorized by the City Council, and to maintain the same in proper condition.

NOTE: For erection and maintenance of Traffic signs see Traffic By-law.

(3) Record of Highways and of the Numbers of Building. The Hamilton Planning Board is authorized to recommend to the Assessment Commissioner the numbers for buildings, and the last revised assessment roll shall be the record of the highways with boundaries and distances as required by The Municipal Act to be kept for public inspection.

(4) Affixing Numbers to Buildings. The Building Commissioner shall, upon the issuing of each building permit for the erection or for the removal to a new location of any building or structure, deliver to the person receiving the building permit a number-sign of such type as may from time to time be authorized by the City Council, and corresponding to the number assigned in the last revised assessment roll, for affixing to such building or structure, and in default of any such number sign being so affixed within a reasonable time, or in the event of its removal, the Building Commissioner is authorized to affix the same or a like sign, and the amount of the expenses incident thereto may be entered by the City Clerk in the Collector's roll and collected in the same manner as taxes, or, if paid by the occupant of the premises, the same may (subject to any agreement between him and the owner) be deducted from the rent payable to the owner.

(5) Changing Numbers. Whenever it becomes necessary to change the numbers for buildings on any highway, and they are so changed in the assessment roll, the owners and occupants of all such buildings shall be certified forthwith, or beforehand if possible, and new number-signs shall be supplied by the Building Commissioner, and the postal authorities shall similarly be notified at as early a date as possible, by the City Clerk; and in default of any such new number-sign being affixed, the same may be affixed by the Building Commissioner with the results provided in subsection 4 (5789/46, S.4, revised).

BOULEVARDS

4. (1) Parts of Highway Set Apart as Boulevards. All such parts of the highways as are situated between the curb or edge of the roadway and the nearest street line, exclusive of the area covered by sidewalk or pavement, and all planted strips between the two roadways of a divided highway, are hereby set apart for the purpose of boulevards and may be known and referred to as such; and the former may be known and referred to as "side-boulevards" and the latter as "middle-boulevards", and a side-boulevard which adjoins the limit of the highway may be known and referred to as "inner side-boulevard", and one which adjoins the curb or edge of the roadway, as an "outer boulevard".

(2) Abutting Owners May Maintain Side-Boulevards. Subject to the provisions of this By-law respecting trees on highways, and subject to the provisions of other by-laws respecting public works and obstructions to the view of drivers at intersections, an owner of land abutting on a highway may at his own expense maintain in grass, flowers and trees, that part of any side-boulevard immediately opposite his land, but not so as unreasonably to confine, impede or incommode public traffic.

(3) Prohibitions. No person shall,

- (a) wilfully injure any planted boulevard, or walk upon it if there be any crossing within reasonable distance; or
- (b) cause or permit any horse, mule, pony or vehicle to be upon any planted boulevard; or
- (c) cause or permit any hedge or other obstruction to the clear view of drivers of vehicles, to be upon side-boulevard within thirty feet of the limit of any intersecting highway (5789/46, S.5, revised)

TREES

5. (1) The Street Commissioner is hereby authorized to supervise the planting, trimming and removal of trees growing in the highways, and the trimming of trees planted upon a highway or upon private property, where the branches extend over a highway.

- (a) Definition. In this section except where otherwise indicated "trees" includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.

(2) Owners of Land May Plant Trees. Any owner of land abutting on a highway may with the approval of the City Council expressed by resolution plant shade or ornamental trees upon that portion of the highway upon which has land abuts and which has been set apart for the purpose of a side-boulevard.

- (3) Not To Be Obstruction.

- (a) No tree shall be so planted that the same is or may become a nuisance in the highway, or obstruct the reasonable use of the same;

- (b) No tree shall be planted upon any highway, nearer to any other tree upon a highway, than thirty feet;

Provided, however, that in this clause, "tree" shall not be deemed to include any shrub or tree of a sort which does not normally attain a height or spread of more than twenty feet;

- (c) Unsuitable Species. No tree shall be planted in any highway, of any of the following species, which the council deems unsuited for that purpose, and the Street Commissioner is authorized to remove without notice any or all of such trees growing on a highway or planted thereon contrary to the provisions of this By-law:

Chinese Elms,
Cottonwood or Balm of Gilead,
Poplar,
Soft Maple,
Willow;

Provided, however, that this subsection shall not construed as obligating the City Corporation or the Street Commissioner to remove all or any of such trees, unless the City Corporation has had notice that the roots of the same have already obstructed a sewer of the City Corporation or a sewer connection serving land other than the parcel abutting upon that part of the highway in which the tree is growing.

(4) Permission to Cut Down. The owner of any tree upon a highway may remove or cut down the same with the authority in writing of the Street Commissioner, but nothing herein shall be construed as requiring the Street Commissioner to give such permission in writing without a resolution of the City Council, when in his opinion the removal of such tree might be against the public interest.

(5) Removal in Public Interest. Any tree planted upon a highway shall be removed when deemed necessary in the public interest, but in such case the owner of the tree shall be given ten days notice of the intention of the City Council to remove such tree, and be recompensed for his trouble in planting and protecting it, and if he so desires shall be entitled himself to remove the tree, but shall not in such case be entitled to any further or other compensation.

(6) Notice to Remove. The Notice required by subsection 5 may be given by leaving the same with a grown-up person residing on the land adjacent to the highway and nearest to the tree, or, if the land is unoccupied, by posting it in a conspicuous place on the said land, and if the tree has not been removed upon the expiration of ten days after such giving of the notice, the Street Commissioner shall forthwith proceed to remove the tree.

(7) Decayed Trees.

(a) An owner of a tree shall not leave standing any decayed or dangerous tree upon a highway, or any such tree so near to a highway that the same may be or become dangerous to persons lawfully using the highway;

(b) Overhanging Limbs. An owner of a tree standing upon or adjacent to a highway shall not leave projecting over the highway any branch of any such tree in such manner as to obstruct the reasonable and safe use of the highway. (5789/46, s.8).

NOTE: It is a statutory offence punishable by a fine of \$25.00 for any person to remove or cut down or injure any tree growing upon a highway, save with the authority of the City Council or of the officer appointed by By-law as above; or to fasten any animal to any such tree, or permit any animal in his charge to injure or destroy the same.

TEMPORARY CLOSING OF HIGHWAY FOR REPAIRS, ETC.

6. (1) To Be Closed While Work in Progress. During the construction, repairing or improvement of any highway or portion thereof, the said highway or that portion of it being so constructed, repaired or improved shall be temporarily closed.

(2) Alternative Route. Where a highway or portion thereof is so closed, the City Engineer shall provide and the Street Commissioner shall keep in repair, a reasonable temporary alternative route as selected and designed by the Director of the Traffic Department, for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

(3) Barricades and Detour Signs. While a highway or portion thereof is so closed to traffic, there shall be erected by the City Engineer or by the Street Commissioner, - whichever is in charge of the work, - at each end of the highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously except during full daylight, and at such points there shall be erected detour signs by the Director of the Traffic Department, indicating the alternative route and that the highway is closed to traffic. Every such barricade shall be of that type which may from time to time be adopted by the City Council. (5789/46, s.3, revised)

NOTE: It is provided by The Municipal Act that every person who uses a highway or portion of a highway so closed to traffic does so at his own risk and that the municipality is not liable for any damage sustained by a person using the highway or portion thereof so closed to traffic.

The said provision further provides that it is a statutory offence for any person without lawful authority to use a highway or portion thereof so closed to traffic while it is protected in accordance with this paragraph, or to remove or deface any barricade, device, detour sign or notice placed thereon by lawful authority, and is liable to a penalty of not more than \$50.00, and liable also to the municipality having jurisdiction for any damage or injury occasioned by such wrongful use, removal or defacement.

REMOVAL OF SNOW AND ICE

7. (1) (a) From Roofs of Certain Occupied Building. With respect to every occupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the occupants shall clear away and remove the snow and ice from the roof whenever there is sufficient accumulation to threaten danger in the event of a thaw.

(b) Recovery of Cost from Occupants, in Case of Default.

In default of compliance with the requirements of this subsection, the Street Commissioner in lieu of or in addition to any other remedy provided by this By-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and in default of payment on demand, the amount of the expense incurred in doing it shall be recovered from the said occupants by action.

(2) (a) From Roofs of Certain Unoccupied Buildings. With respect to every unoccupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the Street Commissioner is authorized to clear away and remove, at the expense of the owner of the building, the snow and ice from the roof whenever it has come to his attention that there is a dangerous condition.

(b) Recovery from Owner of Cost of Removal. The amount of the expense incurred in clearing away and removing snow and ice from the roof of any unoccupied building pursuant to the provisions of clause (a) of this subsection shall be added by the City Clerk to the Collector's roll and collected as municipal taxes against land are collected.

(3) (a) From Sidewalks at Certain Occupied Buildings. The occupants of all classes of buildings except office buildings, multiple dwellings, other buildings of multiple occupancy and government buildings, shall clear away and remove the snow and ice from all the sidewalks on the highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snowfall, and in any event within twenty-four hours.

(b) The owners of all office buildings, multiple dwellings, other buildings of multiple occupancy and government buildings, shall clear away and remove the snow and ice from all the sidewalks on the highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snowfall, and in any event within twenty-four hours.

(c) Recovery of Cost from Occupants, in case of Default. In default of compliance with the requirements of this subsection, the Street Commissioner in lieu of or in addition to any other remedy provided by this By-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and the amount of the expense incurred in doing it shall be recovered from the said occupants, by action, or shall be recovered in the manner provided by subsection 4 of this section.

(4) From Other Public Sidewalks. The Street Commissioner is authorized to clear away and remove snow and ice from the sidewalks on any highway or part of a highway, in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, at the expense of the owners, and the amount of such expense shall be added by the City Clerk to the Collector's roll and collected as municipal taxes against land are collected.

(5) Manner of Removal. In the clearing away and removal of snow and ice from sidewalks or roofs, no snow or ice shall be deposited in such manner as to obstruct drainage to any drain or sewer, or so as to obstruct access to any fire hydrant, and no such snow or ice shall unnecessarily be deposited upon the travelled portion of any highway.

(NOTE: See also s. 16 (4), for prohibition against depositing on the highway, any snow or ice from service stations or other private property.)

(6) Sanding of Crossings, Etc. by Street Commissioner. It shall be the duty of the Street Commissioner to cause to be levelled or sanded, or both if necessary, all sidewalks and cross-walks which are in a condition of non-repair by reason of snow or ice; and the Street Commissioner is also authorized to cause to be levelled or sanded, or both, any roadway or part of a roadway in special cases when authorized to do so. (5789/64, s.6).

REMOVAL OF VEHICLES FOR SNOW-CLEANING

8. No person shall park or leave a vehicle on a highway where snow or ice is being moved to open the road for travel on it, and any vehicle which has been parked or left on a highway prior to the commencement of or during a snow or sleet storm or the work of moving the snow or ice to open the road for travel on it shall be removed within one hour after the commencement of such storm or work; and in default of its being so removed, any constable upon discovery of any vehicle parked or left in contravention of this provision may cause it to be taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall (as authorized by section 89 (11) of The Highway Traffic Act R.S.O. 1960, chapter 172) be a lien upon the vehicle, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act. (5789/46, s.7).

OBSTRUCTING, ENCUMBERING, INJURING OR FOULING HIGHWAYS PROHIBITED

9. (1) Save as herein otherwise provided or as otherwise specifically permitted by law, no person shall obstruct, encumber, injure or foul any highway, or obstruct any drain, ditch or culvert upon a highway.

(2) Obstructions and Encumbrances. Without in anywise limiting the generality of the foregoing prohibition of obstructing or encumbering a highway, no person shall without lawful authority erect, instal, place or maintain, or cause or permit the erection, installing, placing or maintaining, of any pole, post, fence, hedge, awning, canopy, marquee, sign, area opening, porch, doorstep, vehicle approach ramp, sidewalk, driveway, or other building, structure, firewood or thing either wholly or partly upon, in, under or over a highway, or firewood or any other thing calculated to obstruct it, and no person shall

cause or permit the hanging or maintenance of any gate, door or other thing in such a manner as to allow it to swing over any part of a highway.

(3) Removal of Obstructions, etc. Any pole, post, fence, hedge, awning, canopy, marquee, sign, porch, doorstep, vehicle approach ramp, sidewalk, driveway, or other building, structure, firewood or thing unlawfully upon, in, under or over a highway, either wholly or partly, shall be removed by the owner or occupant of the land in connection with which the same exists, and any area under and opening to it, unlawfully in any highway, shall be filled up by the owner or occupant of the land in connection with which it exists; and in default of compliance with this provision any such obstruction or encumbrance may be removed and any such area and opening to it may be filled in by the City Engineer, and the highway restored to its former condition, all at the expense of the owner or occupant of the land in connection with which such obstruction, encumbrance, area or opening exists, and the amount of such expense may be recovered by action or may be added by the City Clerk to the Collector's roll against the said land and collected in like manner as municipal taxes.

(4) Fouling Highways. Without in anywise limiting the generality of the foregoing prohibition of fouling a highway, no person shall foul any highway or cause or permit the fouling thereof, either by

- (a) the littering by throwing, placing or depositing of any dirt, filth, glass, handbill, paper or other rubbish or refuse, or the carcass of any animal (71-268, s.1).
- (b) The throwing, placing or depositing of any hay, straw, coal, manure, earth or other matter or thing, whether refuse or not, and whether spilled from a vehicle or not; or
- (c) discharging liquid waste; or
- (d) fouling a highway in any other manner. (5789/46, s.17 pt., revised).

NOTE: It is a statutory offence under The Highway Traffic Act to throw or deposit, or cause to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway except in receptacles provided for the purpose, and the driver of a motor vehicle is liable to have his licence suspended for sixty days for this offence, in addition to being liable to a fine.

POLES IN AND WIRES OVER A HIGHWAY

10. (1) May Be Permitted. Notwithstanding the provisions of this By-law prohibiting the obstructing, encumbering, injuring or fouling of highways, but subject to the provisions of other applicable Acts and by-laws, the following obstructions and encumbrances are permitted upon such terms and conditions as may be agreed upon:

- (a) electric light, power, telegraph and telephone poles and wires, and poles and wires for the transmission of electricity across or along any highway or public place;
- (b) poles, towers, wires, cables, amplifiers and other accessory equipment upon, across or along any highway or public place, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes or parts thereof, and television programmes or parts thereof, - and the placing and maintenance of such equipment and of pipes, ducts, and conduits for enclosing such equipment, upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes and conduits.

NOTE: Telephone and telegraph companies and other have certain statutory rights with respect to putting their poles in a highway and wires over it, subject to reasonable regulation by the municipality, but not to prohibition.

(2) Location of Poles and Heights of Wires, etc. All such poles and towers referred to in subsection 1 shall be located, installed and maintained under the supervision and to the satisfaction of the City Engineer, and all such wires shall be placed and maintained at a height of not less than eighteen feet. (5789/46., s.12, revised)

NOTE: In the case of any company operating under the authority of the federal government, it is a statutory offence under The Railway Act to permit any wire or other thing to be suspended at a height of less than twenty-two feet above a highway or public place in a city.

MISCELLANEOUS OBSTRUCTIONS AND ENCUMBRANCES
PERMITTED UPON OR OVER A HIGHWAY

11. Notwithstanding the provisions of this By-law prohibiting the obstructing or encumbering of a highway, but subject to the provisions of other applicable Acts and by-laws, the following obstructions and encumbrances are permitted during the pleasure of the City Council, in accordance with the provisions following:

Where No Permit or Other Formality Required

(1) Paved Sidewalks and Driveways Not Over 15' Wide. Save as otherwise provided in subsection 8, a paved sidewalk or driveway of a width of not more than fifteen feet, without any curb and at the same level as the adjoining ground, from the public sidewalk to the land abutting upon the highway, or, where there is an outer side-boulevard then from the public sidewalk to the edge of the roadway, but this provision shall not be deemed to include an approach ramp;

(2) Canvas or Other Non-Rigid Awnings. An awning of canvas or other such light and flexible material to project over a sidewalk to the extent of not more than three-quarters of the width of the same.

Provided it is on a suitable frame properly supported from a building or structure on the land abutting upon the highway, that it is not attached to any tree, pole or other erection or thing on the highway, that no part of its supporting frame is closer to the sidewalk than seven feet and six inches, that no part of the awning is closer to the sidewalk than six feet and eight inches, and that it is so constructed, installed and equipped as readily to be capable of being raised to a furled position in which it extends not more than ten inches over the highway and is at least eight feet above the surface of the sidewalk below it;

Where Only Building Permit Required

(3) Refacing Existing Buildings. An existing building to encroach or further encroach upon a highway to such an extent, not exceeding two inches, as may be necessary to provide for refacing any such building, subject to the provisions of the Building By-law;

(4) Awning Containers, Cornices, etc. Sills, brackets, awning containers and awning covers, to an extent of not more than two inches, at least eight feet above the ground;

Cornices of show windows to an extend of not more than twelve inches, at least eight feet above the ground,

Eaves, and other cornices, to an extent of not more than eighteen inches, at least twelve feet above the ground, and

Window air-conditioners to an extent of not more than eighteen inches, at least eight feet above the ground;

(4a) Architectural or Ornamental but non-structural Features. Architectural or ornamental but non-structural features at least ten feet above the sidewalk or where there is no sidewalk at least fourteen feet above the roadway to an extent of not more than one foot, provided that the area of vertical projection of such features which projected over the highway shall not exceed, in any area of one hundred square feet of wall, twenty square feet. (66-97, s.1).

(5) Signs. A sign or other advertising device having an area of vertical projection of no more than sixty square feet and a thickness between its principal faces of no more than eighteen inches, to project over the highway to the extent of not more than ten feet or two-thirds as far as the curb line, whichever is the lesser distance, at a height of at least ten feet above the ground; or, where the curb line is no more than seven feet from the street line, it may project as far as the curb line if the clearance above the ground is at least fourteen feet. (9417,s.2).

Where Annual Charge or Indemnification Agreement, Etc. Required.

(6) Paving More than Fifteen Feet Wide, etc. Paving of part of a side-boulevard other than as permitted under subsection 1, upon a permit in writing from the City Engineer, according to his specifications and to his satisfaction, after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation for any and all actions, claims, demand and loss whatsoever which may result;

(7) Bridges, Canopies and Marquees. After registration of an indemnification agreement as aforesaid,

A bridge or other structure over or across a highway at a height of not less than eighteen feet, for the purpose of access by the owner of land to land of the same owner on the other side of the highway, and a canopy or marquee to the curb-line, at a height of at least ten feet above the sidewalk or ground;

(8) A vehicle approach ramp constructed as an independent installation by The Corporation of the City of Hamilton upon specifications of the City Engineer and to his satisfaction,

- (a) in the case of single ramps for single family dwellings, after application in writing to the Streets Commissioner; and
- (b) in the case of any other ramps, after application in writing to the City Engineer,

upon payment by the applicant of any such moneys as a charge for its construction as the Council of The Corporation of the City of Hamilton may approve from time to time based on the average cost per square foot of construction of vehicle approach ramps independently constructed during the immediately preceding calendar year.

- (8a) (a) Except as provided in clause (b), the location of all vehicle approach ramps shall be to the satisfaction of the City Engineer and the Commissioner of Traffic;
 - (b) The location of a vehicle approach ramp for a driveway not more than fifteen feet wide for a single family or two family dwelling shall be to the satisfaction of the Commissioner of Streets and the Commissioner of Traffic.
- (8b) (a) Except as provided in subsection (b), no vehicle approach ramp may be located to allow access to a driveway where the distance between the building and the side property line is less than seven feet wide;
- (b) A vehicle approach ramp may be located,
 - (i) to allow access to an attached garage or to a carport;
 - (ii) to allow access to a mutual driveway not less than seven feet wide if,
 - A. the mutual driveway is established in accordance with any instrument registered in the registry office against the title to the lands of the abutting parcels, and
 - B. a hard surfaced paved rear or side yard parking space having dimensions not less than nine feet wide and twenty feet long can be established.

(8c) Notwithstanding clause (b) subsection 8a a vehicle approach ramp to a front yard shall be located to the satisfaction of the City Engineer and the Commissioner of Traffic where a parking space for a single family dwelling or two-family dwelling can be established having dimensions of not less than nine feet wide and twenty feet long,

- (a) located wholly within the front yard, or
- (b) located partly in the front yard where there is registered on title an agreement for paving a portion of the highway, satisfactory to the City Engineer.

(8d) Notwithstanding Section (8c), no vehicle approach ramp shall be constructed where the land for which the vehicle approach ramp is proposed to be constructed abuts a public assumed alley.
(71-326, s.1).

(8e) No vehicle approach ramp shall be constructed or maintained for a single family dwelling or a two-family dwelling and no paved portion of the highway for which an agreement has been registered on title shall be used by,

- (i) a commercial motor vehicle or trailer within the meaning of The Highway Traffic Act; or
- (ii) a boat; or
- (iii) a mobile housing unit.

(9) Public Benches. Benches for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon;

(10) Transit System Shelters. Transit system shelters for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon;

(11) Public Telephone Booths. Telephone booths for the use of the public, upon such terms and conditions including an annual or other charge, as may be agreed upon;

(12) Iron Waste-Paper Boxes. Subject to the provisions of The Municipal Act in that behalf, iron waste-paper boxes on the street corners or elsewhere, for the use of the public, upon such terms and conditions including an annual fee, as may be agreed upon;

(13) Inadvertent Encroachments. The maintenance and use by any person owning or occupying any building or other erection which by

inadvertence has been wholly or partially erected upon any highway, upon the payment of such annual fee or charge as the City Council may from time to time deem reasonable, for such owner or occupant to pay for such privilege; and such fee or charge shall form a charge upon the land used in connection with such encroachment, and shall be collected in like manner as municipal taxes, for so long as the City Council permits the continuance of such encroachment;

Provided that an inadvertent encroachment which has been so permitted to continue shall be removed at the expense of the owner upon termination by resolution of the City Council, of the privilege for the continuance of such inadvertent encroachment. (5789/46, ss. 9 & 11, pt., revised).

NOTE: Directional and danger signs may be erected by the Ontario Motor League under conditions provided in The Municipal Act; and letter boxes and other postal facilities are placed on highways under the provisions of The Post Office Act (Canada).

- (11a) (1) The elevation of any access driveway at the street line shall be approved by the City Engineer.
- (2) Subsection (1) does not apply to single-family dwellings or to two-family dwellings. (71-21, s.1).

MISCELLANEOUS EXCAVATIONS AND
MISCELLANEOUS EXCAVATIONS AND
INSTALLATIONS PERMITTED IN OR UNDER A HIGHWAY

12. Notwithstanding the provisions of this By-law prohibiting the obstructing, encumbering or injuring of highways, the surface of any highway may, subject to the provisions of section 13, be cut and the following obstructions and encumbrances permitted during the pleasure of the City Council, in accordance with the provisions following:

- (1) Area Opening, Subject to the provisions of the Building By-law, an area under and an opening to it in the highway upon permission of the City Council and after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation from any and all actions, claims, demands and loss whatsoever which may result;
- (2) Sewer Connections. A connection from a sewer of the City Corporation to the boundary of the highway, upon a permit in writing from the City Engineer;

(3) Pipes, Conduits, etc. Subject to the provisions of the Municipal Act, The Municipal Franchises Act and other applicable Acts.

- (a) pipes or conduits for transmitting gasoline, petroleum or petroleum products, along, under in or upon a highway or land owned by the municipality,
- (b) pipes or conduits for enclosing wires for the transmission of electricity, under a highway or public place,
- (c) pipes or conduits for transmitting steam, under a highway or public square,
- (d) pipes and other necessary works for the transmission of water, gas or sewage, on, in, under, along or across a highway, and
- (e) subways for cattle under a highway,

upon the permission of the City Council in accordance with such terms and conditions as may be agreed upon. (5789/46, s.16).

NOTE: Telephone and telegraph companies and some others have certain statutory rights with respect to putting their wires in pipes and conduits under a highway, subject to reasonable regulation by the municipality.

REQUIRED PROCEDURE RESPECTING INSTALLATIONS UNDER
A HIGHWAY OR CUTTING THE SURFACE OF A HIGHWAY

13. (1) Application of Section. Wherever any work permitted by the provisions of this By-law or otherwise permitted by law involves any excavating in a highway or cutting the surface of a highway, the provision of this section shall apply, except in the case of sewer mains, water mains, water service pipes, vehicle approach ramps and other work done by the City Corporation.

(2) Where No Permit Required from City Engineer. No permit from the City Engineer to cut or excavate is required with respect to:

- (a) The laying of any private sidewalk or driveway (except a vehicle approach ramp). Not more than fifteen feet wide, or

(b) An area under and opening to it in a highway,

which is authorized under the provisions of this By-law, but all other relevant provisions of this section shall apply to the same.

NOTE: The Building By-law requires a permit in the case of an area opening.

(3) Where Permit Required from City Engineer. A permit in writing from the City Engineer is required before the cutting of the surface of any highway with respect to the installation or replacement of

- (a) any paving more than twelve feet wide,
- (b) any sewer connection,
- (c) any pole or tower,
- (d) any pipe or conduit, or
- (e) any other underground work or other work involving the cutting of the surface of any highway, except as otherwise provided in subsection 2.

(4) Application for Permit. Every application for a permit required under this section shall be made to the City Engineer in writing in six copies, together with a plan in five copies, showing the proposed location, nature and particulars of the work, and the City Engineer shall forward one copy of the application and one copy of the plan, each, to the Director of the Traffic Department and to the Street Commissioner.

(5) Issue of Permit. The City Engineer upon receipt of the application and after consultation with any other official aforesaid who may reasonably be concerned, will as soon as possible issue the permit to any applicant to whom such permit ought to be issued, - but no permit shall be issued for the cutting of a highway where in the opinion of the City Engineer the work ought to be done by boring instead of cutting, and in such case the permit shall be issued for boring.

(6) Notice of Commencement and Carrying on of the Work. Except in case of emergency, no such work shall be commenced without at least forty-eight hours notice in writing to the City Engineer, the Street Commissioner and the Director of the Traffic Department, or a full week's notice where a street will have to be closed, or the traffic on a heavily travelled street seriously interfered with, and daily notice shall be given to the City Engineer, of the progress of all such work until its completion and the restoration of the highway; and, in case of any emergency work, notice shall be given and an

application for permit made as soon as possible after commencement of the work, namely on the same day, or, if too late in the day, then within one hour of the opening of the City Engineer's office on the next following day which is not a Sunday or other holiday.

(7) All Underground Work to be Done only by City Corporation, Bonded Contractor, Public Utility or Franchise Holder. With the exception of work done by the City Corporation or its servants, agents or contractors, all work referred to in subsection 3 of this section except paving, and except an area under and opening to it in the highway, shall be done only by the public utility or the franchise holder lawfully in control, or by a contractor who has deposited with the City Clerk a satisfactory bond of a recognized bonding company licensed to carry on business in Ontario, in such amount as may be deemed sufficient, that he will perform all work done upon, in or under a highway in a proper and workmanlike manner, take all proper precautions and safety measures for the protection of public and private property and of the public, including the maintenance of all necessary warning lights and watchmen, carry out and complete all such work and restore the highway to as good condition as before with all due expedition and dispatch, maintain the disturbed portion of the highway in proper repair for the period of two years after completion of the work, and indemnify and save harmless the City Corporation from any and all actions, claims, damages and loss whatsoever arising directly or indirectly from doing of the work.

(8) Supervision, Inspection, and Inspection Fees. All work referred to in this section shall be carried out under the direction and supervision of the City Engineer, and to his satisfaction, and the person in control of such work shall, forthwith upon demand after completion of the work, pay to the City Corporation all costs incurred by the City Corporation for inspection and supervision of the work, and all other costs which have been incurred.

(9) Carrying Out of the Work.

(a) Generally. All work to which the provisions of this section apply shall be carried out in a proper workmanlike manner, with all proper precautions and safety measures for the protection of public and private property, and of the public, including the maintenance of all necessary warning lights and watchmen, and brought to completion and the highway restored to as good condition as before as expeditiously as possible, all under the direction and supervision of the City Engineer and to his satisfaction;

- (b) Cut in Boulevard. Where a sodded or planted boulevard is cut, top soil to a depth of at least six inches shall be placed over the required back filling, and the sod or other planting restored to as good condition as before; but in the case of a pavement cut, the entire section of pavement shall be replaced for its full length and width, and the paving restored to as good condition as before;
- (c) Cut in Sidewalk or Vehicle Approach Ramp. Where a cut is made in a sidewalk or vehicle approach ramp, the entire section which is cut shall be replaced in conformity with the concrete specifications and other requirements of the City Corporation;
- (d) Cut in Roadway. Where a cut is made in an unpaved roadway, it shall be backfilled with suitable granular material properly tamped, except the top twelve inches which shall be backfilled with crushed stone graded in size from three-eighths of an inch to dust, properly tamped; but where the cut is in an asphalt pavement, whether it is asphalt on macadam or asphalt on concrete, the pavement shall be replaced by three inches of hot-mix asphalt on an eight-inch concrete base over suitable granular material properly tamped;
- (e) Where Any Drain Connections, etc. Disturbed. Where a sewer or catch-basin connection or other service or facility of the City Corporation is broken or disturbed, the person in control of the work shall at once notify the City Engineer who shall perform all necessary work of restoration at such person's expense, and where a private drain connection is broken or disturbed, such person shall at once cause the same to be repaired by a bonded sewer contractor (5789.46, s.16A, revised).

USE OF HIGHWAY DURING BUILDING OPERATIONS

14. (1) Use of Part of Highway Permitted. Notwithstanding the provisions of this By-law prohibiting the obstructing, encumbering, injuring or fouling of highways, the use of a portion of any highway by the owner or occupant of land adjoining such highway during building operations upon such land for the storage of materials for such building or for the erection of boards is permitted in accordance with the provisions of this section.

(2) Permit Required. No such use shall be commenced unless and until a permit in writing has been obtained from the City Engineer, and no such use shall be made of any part of the highway except in accordance with the terms of the permit and all applicable provisions of The Building By-law.

(3) Terms of Permit. Every such permit shall show what part of what highway may be so used, for what part or parts of the day during what period of time, and no such permit shall be for the use of a greater area of the highway or for a longer period of time than is reasonably necessary, having regard to the safety and convenience of the public as well as the need of the applicant, and every such permit shall be subject to cancellation by the City Engineer at any time.

(4) No permit shall be issued until there has been paid a fee in such amount as may be determined from time to time by the City Council, and, upon the expiry of the permit, no such use shall be made of any part of the highway unless and until another permit in writing has been obtained and a further fee paid.

(5) Indemnification Agreement. No permit shall be issued until there has been delivered by the applicant an agreement from a recognized bonding company licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City Corporation, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway.

(6) Where Consent of Adjoining Owner Required. Before any permit is given for the use of any part of the highway beyond the limits of the frontage of the applicant, there shall be obtained from the owner of the adjoining lands, in writing, a consent and waiver of all claims against the City Corporation of any damages which may result, whether directly or indirectly, from any such use of that part of the highway during the period to be covered by the permit and for a reasonable time thereafter.

(7) Other Requirements. Every person making use of any part of a highway during building operations shall be responsible that the following requirements are observed.

- (a) Mixing Motar. No mortar, concrete or other such substance shall be mixed upon the highway, save upon a platform of wood, iron or other as suitable material and so located and guarded as to give adequate protection both to the highway and to children and the public;
- (b) Keep Drains Clear. No material shall be allowed to obstruct the free passage of water in any drain, gutter or watercourse;

- (c) Dust, Nuisance, etc. No unnecessary dust or noise shall be allowed, or any unnecessary or unreasonable annoyance to the public;
- (d) Warning Lights. No building material or other obstruction shall be allowed on a highway without sufficient suitable warning lights and such other safeguards as may be necessary or desirable for the protection of children and the public;
- (e) Clear and Restore Highway. All building material and other obstructions and all debris and residue shall be removed from the highway and the same restored to as good condition as before on or before the day of expiration of the permit. (5789/46, s.15, revised).

MISCELLANEOUS REGULATIONS

15. (1) Firearms. No person shall discharge any gun or other firearm, air-gun or spring-gun of any class or type, anywhere in the City of Hamilton;

Provided, however, that this prohibition shall not apply to the discharge of firearms,

- (a) in properly constructed and supervised rifle ranges, or,
- (b) in shooting galleries licensed by the Board of Commissioners of Police, or,
- (c) by police officers or employees of the City Corporation carrying out their proper duties in the killing of stray pigeons, vicious dogs, or otherwise. (8657/59).

(2) Fireworks,

- (a) Sale of Fireworks. No person shall, by retail,
 - (i) sell any firework to any person under the age of sixteen years,
 - (ii) sell any firework to any person except in a strong paper bag or other as suitable receptacle, containing a sheet of printed safety instructions, obtainable from the chief of the Fire Department or the chief fire prevention officer,

- (iii) sell any firework to any person except on Dominion Day and on the day fixed by proclamation of the Governor-General for the observance of Victoria Day, and the next preceding seven days in each case, or
- (iv) sell to any person any firework of a type the setting off of which is prohibited by the provisions of this By-law;
- (aa) "retail" means sale for the purpose of consumption or use by any person and not for resale (70-100, s.2).
- (b) Setting Off of Certain Kinds of Fireworks Prohibited. No Person shall set off any of those fireworks of any of the types known as sky rockets, torpedoes, or fire crackers; (70-100, s.1).
- (c) Setting Off of Fireworks. No person shall set off or allow to be set off any firework in such a place or in such a manner as might create danger to any person on property, or do or cause or allow any unsafe act or omission at the time and place of the setting off of any firework, and, without restricting the generality of the foregoing.
 - (i) no person under the age of sixteen years shall set off any firework except under the direct supervision and control of a parent or other responsible adult,
 - (ii) no person under the age of sixteen years shall hold in his hand any firework when ignited,
 - (iii) no person being the parent or guardian of any child under the age of sixteen years shall allow him or her to set off any firework except when such parent or guardian or some other responsible person is in direct supervision and control,
 - (iv) no person shall set off any firework in or into any highway, street, lane, square or other public place,

Provided that this shall not be deemed to prohibit a fireworks display in a public park or other public place in accordance with a permit under the provisions of this By-law, and

- (v) no person shall set off any firework in or into any building, doorway, automobile or other place where such setting off might create danger to any person or property;

(d) Firework Displays.

- (i) Permit Required. No person shall hold any fireworks display without first having obtained a permit so to do, signed by the chief constable of the police force of the City of Hamilton, or by the deputy chief constable or an inspector to whom such authority may have been delegated;
- (ii) Issue of Permit. No permit shall be issued to any person of known criminal tendencies, or to any person of unsound or immature mind, or to any other unfit person, or to any person apparently under the age of twenty-one years;
- (iii) Conditions. Every fireworks display shall be held, only at the time and place specified on the permit.

Be conducted in a manner consistent with all proper safety procedures,

Be conducted under the direct supervision of the person to whom the permit was issued, or of some other fit and competent person whose name and address is furnished to the chief constable in writing not less than three days nor more than one week prior to the display,

Be conducted at a safe distance from the nearest building, highway, railroad, overhead wires, tree or combustible material, and

Be held and continued only while all proper precautions are being observed to keep spectators at a safe distance and while all other suitable precautions are being observed, including the having of suitable fire extinguishers or other suitable means of extinguishing fires, at hand;

Provided that an applicant shall be entitled to a permit from the chief constable in every case in which the pre-conditions set forth in this By-law are compiled with;

(e) Removal of Debris.

It shall also be a condition of the issuing of a permit for a fireworks display, that all fireworks and all debris shall be removed by the permit-holder immediately after the display, and safely disposed of;

(f) Offence

The failure to observe any of the foregoing requirements or conditions shall be an offence against the provisions of this By-law;

Provided that nothing in this By-law shall be deemed to apply to the lawful use or sale of truck flares, marine rockets or other such devices.

(3) Vehicle Crossing Sidewalk.

Notwithstanding the provisions of the Traffic By-law prohibiting vehicles on sidewalks save at properly constructed crossings, it is permitted to cross a sidewalk with a vehicle with building materials during building operations, or for other reasonable and temporary need, where there is no regular crossing, provided that the sidewalk is protected by planking at least two inches thick, securely fastened and chamfered or bevelled at the ends for the greater safety of pedestrians, and provided further that a suitable temporary bridge is constructed across the adjoining gutter in such a manner as not to obstruct the same. (5789/46, s.17 (2) (1)).

(4) Filling Up and Draining Vacant Lots.

The owner of any ground, yard or vacant lot shall be responsible to fill up and drain any depression where water lies, and to keep such ground, yard or lot clean and free of any debris and refuse. (New). (9643, s.2).

(5) Pits and Quarries

- (a) In Operation. No excavation for any pit or quarry shall be made or commenced within less than ten feet of the limits of any highway or other public place, or within less than ten feet of the limits of any adjoining lands; the slope at the sides of the excavation shall in no case be steeper than one and a half feet horizontal to one foot vertical, and the depth shall nowhere be greater than thirty feet; (New)

(NOTE: The establishment of a new pit or quarry in the City is prohibited by The Zoning By-law).

(b) Not in Operation.

The owner of any pit or quarry which is within three hundred feet of a road and which has not been in operation for a period of twelve consecutive months, shall level and grade the floor and sides thereof and the area within three hundred feet of its edge or rim so that it will not be dangerous or unsightly to the public. (By-law 48 and Twp. of Barton By-law 2380. Revised).

(6) Strayed Pigeons.

The Street Commissioner upon the complaint of the owner or occupant of any premises is empowered to enter upon such premises and the land buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damage to such premises. (New).

MISCELLANEOUS PROHIBITIONS

16. (1) Indecent Placards, etc. No person shall post or exhibit any placard, play bill, poster, writing or picture, or write any word or make any picture or drawing, which is indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place. (5789/46, s.20 (1)).

(2) Defacing Signs. No person shall pull down or deface any sign or other advertising device or notice lawfully affixed. (5789/46, s.20 (9)).

NOTE: It is a statutory offence to cut, throw down, injure or deface any guide post, mile post or danger signal lawfully erected on a highway by the Ontario Motor League.

(3) Discharging Rain Water of Highway. No owner, occupant or other person in control of any premises, shall allow any rain conductor or other drainage facility to discharge water so as to flow upon any highway; and no owner of any paved area other than a private driveway or sidewalk shall allow it to drain onto a highway. (5789/46, s.20 (5)).

(4) Depositing Snow on Highway. No person shall deposit any snow or ice on the travelled portion of any highway. (10107, s.1. (1)).

(5) Discharging Nauseous Liquid. No person shall discharge or allow the discharge into any highway or public place, or into any sewer of the City Corporation any toxic, flammable, corrosive or other nauseous liquid. (5789/46, s.17 (2) (k)).

(6) Putting Kitchen Waste, etc. in Waste Paper Boxes. No person shall deposit into any waste paper box or basket on a highway, an lighted cigarette or other fire, or any accumulation of a kitchen waste or other garbage which ought rather to be put out in a container for collection in the City's regular garbage collection, or any other material of a kind not reasonably appropriate for depositing in a waste paper box or basket on a highway. (5789/46, s.20 (18)).

(7) Disturbing Noises. No person shall ring a bell, blow a horn, or shout or make any unusual noise, or any noise likely to disturb the inhabitants; (10107, s.1 (2)) (68-209, s.1)

Provided that this shall not be deemed to prohibit the ringing of church bells, the sounding of motor vehicle horns when reasonably necessary or other noises of a reasonable nature and intensity on proper occasions. (New).

(8) Obstructing Watercourses. No person shall obstruct any drain or watercourse. (10107, s.1 (3)).

(9) Other Public Nuisances. The throwing of stones or playing of games on a highway, the climbing of trees or fences, defacing of buildings with paint or writing or otherwise, and all other public nuisances of whatsoever kind or nature, are hereby prohibited.

(10) Criers and Vendors of Smallwares. No crier and no vendor of smallwares shall practise his calling the market place, or on the highways or on any vacant lot adjacent to the market place or to a highway. (10107, s.1 (4)).

(11) Retail Selling. No person shall sell by retail in any highway or on any vacant lot, lot adjacent to a highway, any meat, fish, vegetables, grain, hay fruit, flowers, beverages, smallwares or other articles;

Provided that this shall not be deemed to apply to the sale of newspapers or magazines in a highway, or to the operations of any licensed refreshment vehicle in a highway, or to door-to-door or other persons lawfully selling from door-to-door. (10107, s.1 (5)).

(11a) (1) Notwithstanding subsection (11), the untravelled portion of a highway within that portion of the City of Hamilton that may be used for commercial or industrial purposes, may be leased or licensed to the owners or occupants of

adjoining property for the purpose of establishing an outdoor cafe.

- (2) The City may determine the consideration and terms and conditions of the lease or licence and may determine what constitutes an outdoor cafe.

PENALTIES

17. Every person who contravenes any provision of this By-law is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.00, exclusive of costs.

REPEAL

18. The following By-laws are hereby repealed, namely:

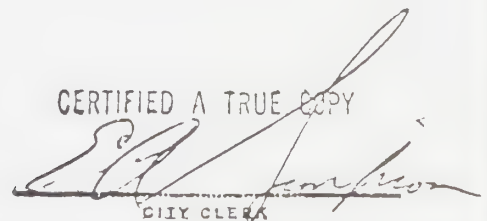
- (a) By-law No. 5789 Respecting Streets, passed on the 28th day of May, A.D. 1946, and all amendments thereto;
- (b) By-law No. 8317 Respecting the Sale and Setting Off of Fireworks, passed on the 10th day of June, A.D. 1958, and all amendments thereto;
- (c) By-law 8567 Prohibiting the Discharge of Firearms, passed on the 10th day of March, A.D., 1959, and all amendments thereto;
- (d) By-law No. 48 of the Revised By-laws of 1910, respecting sand and gravel pits, and all amendments thereto; and,
- (e) By-law No. 2380 of the Township of Barton To Regulate the Operation of Pits and Quarries, passed on the 30th day of June, A.D., 1958.

PASSED this 9th day of May, A.D. 1961.

J. F. Berry
City Clerk

L. D. Jackson
Mayor

CERTIFIED A TRUE COPY


CITY CLERK

The Corporation of The City of Hamilton

BY-LAW NO. 75-292

To Amend:

Streets By-law No. 9329

Respecting:

PLANTING OF TREES ON PRIVATE PROPERTY

WHEREAS clause (c) of subsection 4 of section 457 of The Municipal Act, R.S.O. 1970, c. 284 provides as follows:

- (c) authorizing and regulating the planting, with the consent of the owner, of shade or ornamental trees within eight feet of any highway at the expense of the municipality, provided that any tree planted under the authority of any such by-law is the property of the owner of the land in which it is planted, and the municipality is not liable for maintenance or otherwise in respect of any tree so planted.

AND WHEREAS it is desirable that shade or ornamental trees may be planted in accordance with the authority in clause (c) of subsection 4 of section 457 of The Municipal Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 5 of By-law No. 9329 passed on the 9th day of May, 1961 is amended by adding thereto the following section:

- (2a) It is hereby authorized and directed that the City may, with the consent of the owner, plant shade or ornamental trees within eight feet of the highway at the expense of the City of Hamilton provided that,
 - (a) any tree planted is the property of the owner of the land on which the tree is planted, and
 - (b) the owner of the land shall undertake and agree that the City of Hamilton is not liable for maintenance, replacement, removal or otherwise in respect of any tree so planted.

PASSED this

28th

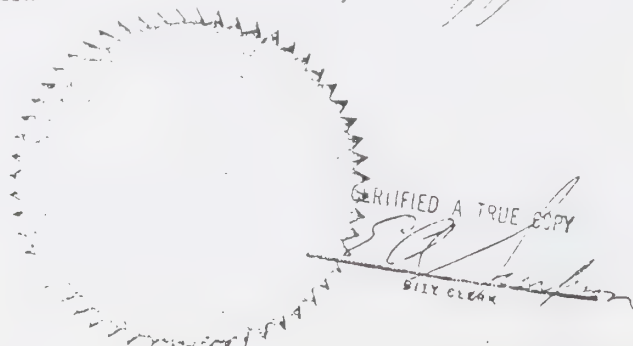
day of October A.D. 1975.

[Signature]
City Clerk

[Signature]
Mayor

(1975) 22 R.T.E.C. 1, June 24
(Engineering)

J-17



11/25/75

776

Bill No. 319

The Corporation of The City of Hamilton

BY-LAW NO. 75-315

To Amend:

Streets By-law No. 9329

Respecting:

USE OF UNTRAVELLED PORTION
OF HIGHWAYS

WHEREAS paragraph 1 of Section 454 of The Municipal Act, R.S.O., 1970, C. 284, provides that municipalities may pass by-laws,

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, within those portions of the municipality in which land may be used for commercial or industrial purposes, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

AND WHEREAS subsection (11) of Section 16 of By-law No. 9329, passed on the 9th day of May, 1961, provides, in part, as follows:

(11) Retail Selling. No person shall sell by retail in any highway or on any vacant lot adjacent to a highway, any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, small-wares or other articles;

AND WHEREAS it is desirable to permit an outdoor cafe on the untravelled portion of highways.

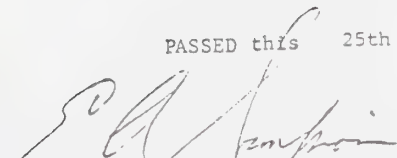
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. By-law No. 9329, passed on the 9th day of May, 1961, as amended by By-laws Nos. 9417 passed on the 25th day of July, 1961; 9643 passed on the 13th day of March, 1962; 9706 passed on the 3rd day of May, 1962; 10041 passed on the 30th day of April, 1963; 10107 passed on the 30th day of July, 1963; 66-97 passed on the 29th day of March, 1966; 68-290 passed on the 24th day of September, 1968; 70-100 passed on the 14th day of April, 1970; 71-21 passed on the 20th day of January, 1971; 71-268 passed on the 12th day of October, 1971; 71-326 passed on the 14th day of December, 1971 and Section 1 of By-law No. 73-39 passed on the 30th day of January, 1973 is further amended by adding the following section thereto:

- (11a) 1. Notwithstanding subsection (11), the untravelled portion of a highway within that portion of the City of Hamilton that may be used for commercial or industrial purposes, may be leased or licensed to the owners or occupants of adjoining property for the purpose of establishing an outdoor cafe.
2. The City may determine the consideration and terms and conditions of the lease or licence and may determine what constitutes an outdoor cafe.

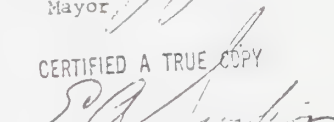
PASSED this 25th day of November

A.D. 1975.


City Clerk


Mayor

CERTIFIED A TRUE COPY


CITY CLERK

(1975) 30 R.T.E.C.9, September 30
(Engineering)
(1975) 13 R.T.E.C. 1, November 25
(Engineering)

5/30/76

256

Bill No. 20

The Corporation of the City of Hamilton

BY-LAW NO. 76-90

To Amend:

Streets By-law No. 9329

Respecting:

HEIGHT OF SIGNS

WHEREAS By-law No. 9329 provides for the height of architectural or ornamental features, signs, canopies or marquees to be not less than 10 feet over the sidewalk or ground;

AND WHEREAS section 26 of The Ontario Building Code Act, 1974 provides that it supersedes all municipal by-laws respecting construction of buildings;

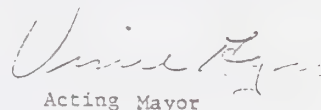
AND WHEREAS The Ontario Building Code Act, 1974 provides that overhanging signs may be at a distance not less than 8 feet above sidewalks or ground.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

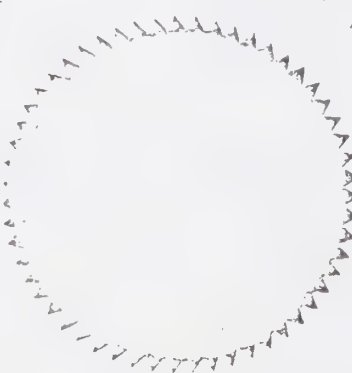
1. Subsection 4a of section 11 of By-law No. 9329 passed on the 9th day of May, 1961 as re-enacted by By-law No. 66-97 passed on the 29th day of March, 1966 is amended by striking out "ten feet" in the fourth line and substituting in lieu thereof "eight feet".
2. Subsection 5 of By-law No. 9329 as re-enacted by section 2 of By-law No. 9417 on the 25th day of July, 1961 is amended by striking out "ten feet" in the sixth line and substituting in lieu thereof "eight feet".
3. Subsection 7 of By-law No. 9329 is amended by striking out "ten feet" in the sixth line and substituting in lieu thereof "eight feet".

PASSED this 30th day of March, 1976

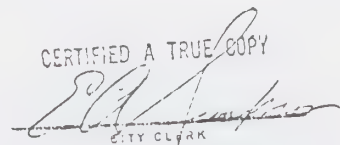

City Clerk


Acting Mayor

(1976) 10 R.T.E.C. 11, March 9
(Engineering)



CERTIFIED A TRUE COPY


CITY CLERK

The Corporation of the City of Hamilton

BY-LAW NO. 74 - 267

To Amend:

Streets By-law 9329

Respecting:

VEHICLE APPROACH RAMPS


WHEREAS it is desirable to authorize the construction of Vehicle Approach Ramps to serve those properties where a parking space (9' by 20') can be provided only in such a way that it is partly on private property and partly on a public highway.


NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

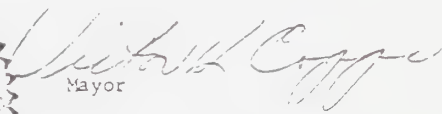
Subsection (8c) of By-law No. 9329 passed on the 9th day of May, 1961 as enacted by Section 1 of By-law No. 71-326 passed on the 14th day of December, 1971 is repealed and the following substituted therefor:

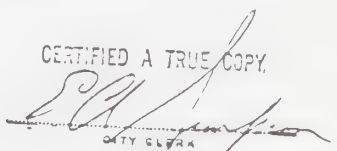
- (8c) Notwithstanding clause (b) subsection 8a a vehicle approach ramp to a front yard shall be located to the satisfaction of the City Engineer and the Commissioner of Traffic where a parking space for a single family dwelling or two-family dwelling can be established having dimensions of not less than nine feet wide and twenty feet long,
- (a) located wholly within the front yard, or
- (b) located partly in the front yard where there is registered on title an agreement for paving a portion of the highway, satisfactory to the City Engineer.
- (8e) No vehicle approach ramp shall be constructed or maintained for a single family dwelling or a two-family dwelling and no paved portion of the highway for which an agreement has been registered on title shall be used by,
- (i) a commercial motor vehicle or trailer within the meaning of The Highway Traffic Act; or
- (ii) a boat; or
- (iii) a mobile housing unit.

PASSED this 12th day of November A.D. 1974.


City Clerk




Mayor


CERTIFIED A TRUE COPY.
CITY CLERK

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R82-004

TO AMEND BY-LAW R77-109

WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth is empowered under Section 31 of The Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, Chapter 437, to exercise any of the powers formerly conferred upon the Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of an area municipality in respect of the roads now included in the Regional Road System,

AND WHEREAS Section 309(3) of the Municipal Act, R.S.O. 1980, Chapter 302, as amended, provides that the Council of every municipality may pass by-laws for permitting any person to place, construct, install, maintain, and use objects in, on, under, or over highways under such conditions as may be agreed upon;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

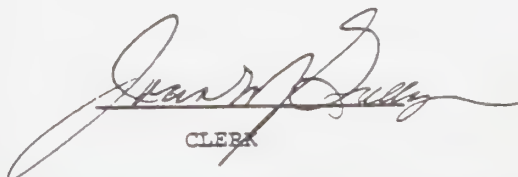
1. Section 11 of Schedule "A" to By-Law R77-109, passed and enacted on the 5th day of July 1977 is hereby amended by adding thereto the following subsection, namely:

"(14) Temporary Encumbrances - Temporary encumbrances such as ice, soft-drink, storage, or vending-machines, shelves for display of goods, fruit stands, portable signs, and large free-standing articles for sale, immediately adjacent to a building, and newspaper boxes, kiosks, bus shelters, and street furniture such as planter boxes, benches, etc., and other temporary encumbrances by the owner or lessee of an abutting commercial property upon a permit in writing from the Commissioner of Engineering, after execution of an agreement satisfactory to the Regional Solicitor, to indemnify and save harmless the Regional Corporation for any and all actions, claims, demand and loss, whatsoever which may result, provided that such encumbrance,

- (a) is not located where it may prove to be a safety hazard, or conflict with normal sidewalk operation such as at bus stop areas, and
 - (b) is not located within 5 metres of any driveway if the encumbrance is adjacent to a roadway, nor within 10 metres of any intersecting street measured from the curb line, and
 - (c) is not located within 1 metre of the edge of the roadway, and
 - (d) is permitted only where a minimum of 2 metres of unobstructed sidewalk on the road allowance remains, and.
 - (e) has a maximum height of 0.8 metres if located on the roadway side of the sidewalk, and
 - (f) is not illuminated, and
 - (g) is not in excess of 1.2 metres in height, and
 - (h) is not in excess of 1.2 metres in length, and
 - (i) is not a "mobile sign", a "mobile sign" being any sign mounted on a trailer or other free-standing structure, that is designed or intended to be moved from place to place."
2. In all other respects, By-Law R77-109 is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND
ENACTED this 19th day of January 19 82.


CHAIRMAN


CLERK

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R83-055

BEING A BY-LAW TO AMEND BY-LAW NO. R77-109 TO
REGULATE THE USE OF REGIONAL ROADS WITHIN THE CITY
OF HAMILTON

WHEREAS By-Law No. R77-109, passed on the 5th day of July, 1977,
regulates the use of Regional Roads, within the City of Hamilton,
and

WHEREAS it is advisable to amend By-Law No. R77-109.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. By-Law No. R77-109 is amended by deleting in its entirety
Section 2(1) of Schedule "A" thereto.
2. This By-Law shall come into force and take effect on the date of
its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED

this 3rd day of May, 1983.


Chairman


Clerk

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R84-059

TO AMEND BY-LAW R77-109

Whereas the Council of the Regional Municipality of Hamilton-Wentworth is empowered under Section 31 of The Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, Chapter 437, to exercise any of the powers formerly conferred upon the Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of an area municipality in respect of the roads now included in the Regional Road System; and

Whereas Section 309 (3) of the Municipal Act, R.S.O. 1980, Chapter 302, as amended, provides that the Council of every municipality may pass by-laws for permitting any person to place, construct, install, maintain and use objects in, on, under, or over highways under such conditions as may be agreed upon; and

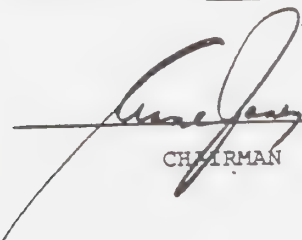
Whereas By-Law No. R77-109, passed on the 5th day of July, 1977, as amended by By-Law R82-004 and By-Law R83-055, regulates the use of Regional Roads, within the City of Hamilton, and

Whereas it is advisable to amend By-Law No. R77-109.

NOW THEREFORE, THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. Subsection (7) of Section 11 of Schedule "A" to By-Law R79-109, passed and enacted on the 5th day of July, 1977, is hereby amended by striking out "eight feet" in the last line and substituting in lieu thereof "seven feet."
2. In all other respects, By-Law R77-109 is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND
ENACTED this 19th day of June 19 84.


CHAIRMAN


CLERK

The Regional Municipality of Hamilton-Wentworth

BY-LAW NO. R84-068

To Amend:

Road Use By-Law No. R77-109

Respecting:

PRINT MEDIA VENDING OR DISTRIBUTION BOXES

WHEREAS paragraph 3 of Section 309 of the Municipal Act, R.S.O. 1980, Chapter 302 authorizes municipalities to pass by-laws:

3. For placing or permitting any person under such conditions as may be agreed upon to place, . . . maintain and use objects . . . on . . . sidewalks and highways . . . for prescribing the terms and conditions upon which the same are to be placed . . . maintained or used, for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable, and for providing that, upon the termination of such privilege, the . . . highway or sidewalk shall be restored to its former condition at the expense of the person to whom the privilege was granted, by . . . removing said object, or otherwise as may be required in the by-law;

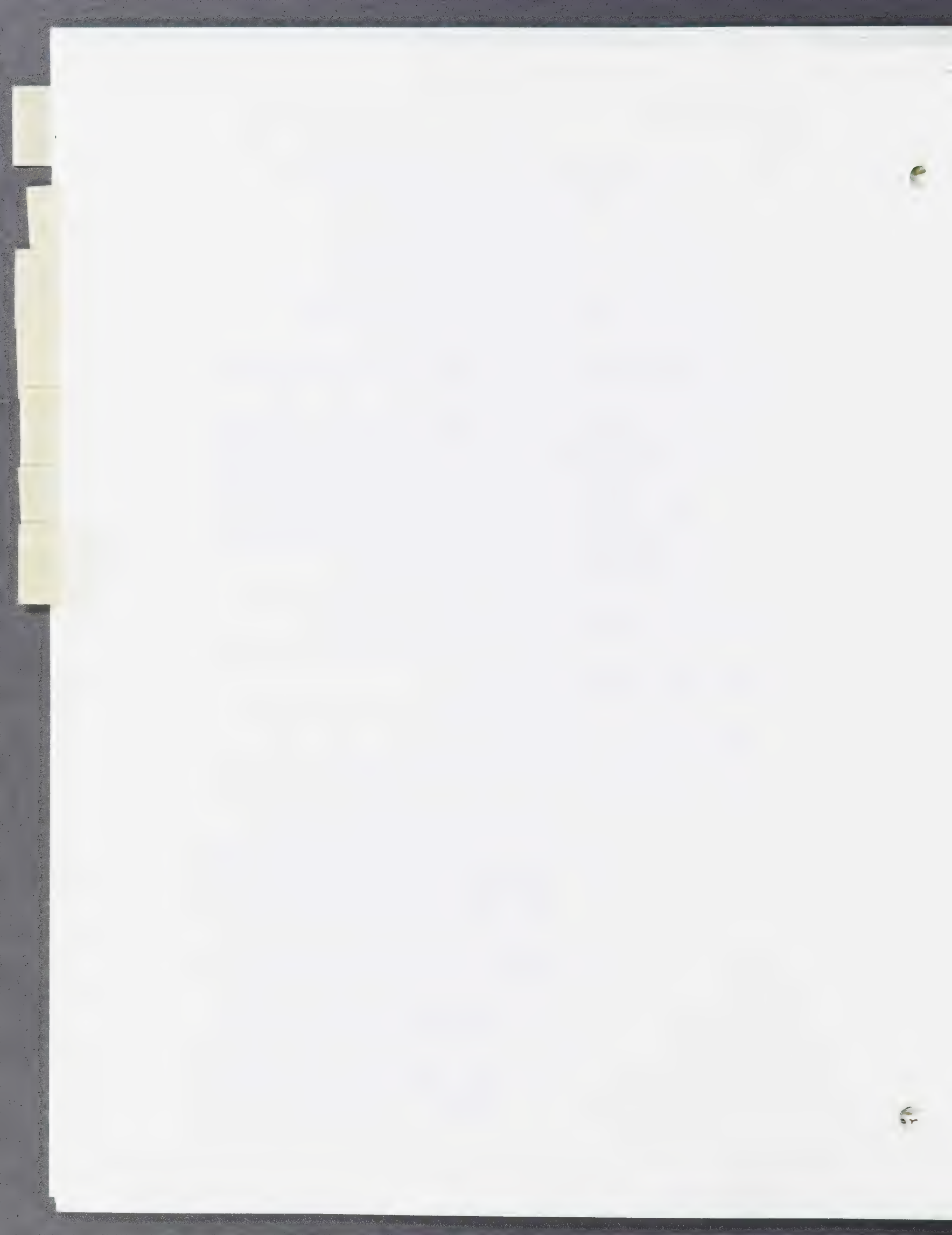
AND WHEREAS By-Law No. R77-109, passed on the 5th day of July, 1977, governs and regulates the use of Regional Roads.

NOW THEREFORE the Council of the Regional Municipality of Hamilton-Wentworth enacts as follows:

1. Section 11 of Schedule "A" to By-Law No. R77-109 is amended by adding the following thereto:

"(13a) Every person shall before placing one or more print media vending or distribution boxes on a highway or sidewalk,

- (a) enter into an agreement and amending agreement satisfactory to the Region.
- (b) pay the sum of \$10.00 annually or an annual sum as may be determined by Council from time to time on January 1st of each year for each vending or distribution box but prorated for the balance of the year where vending or distribution boxes are placed after January 1st;
- (c) provide at the time of each annual payment and from time to time as may be required by the Commissioner of Engineering.
 - (i) an alphabetical street name inventory listing exactly where the vending or distribution boxes are placed; and
 - (ii) a map of the Region satisfactory to the Commissioner of Engineering showing the location where each vending or distribution box is situated.



- (d) provide \$1,000,000 public liability policy of insurance, or an amount as may be determined by Council, wherein the Region is an additional named insured and the policy contains a provision for cross liability.

(13b) Every print media vending or distribution box shall be situated on a highway or sidewalk only in accordance with the following regulations:

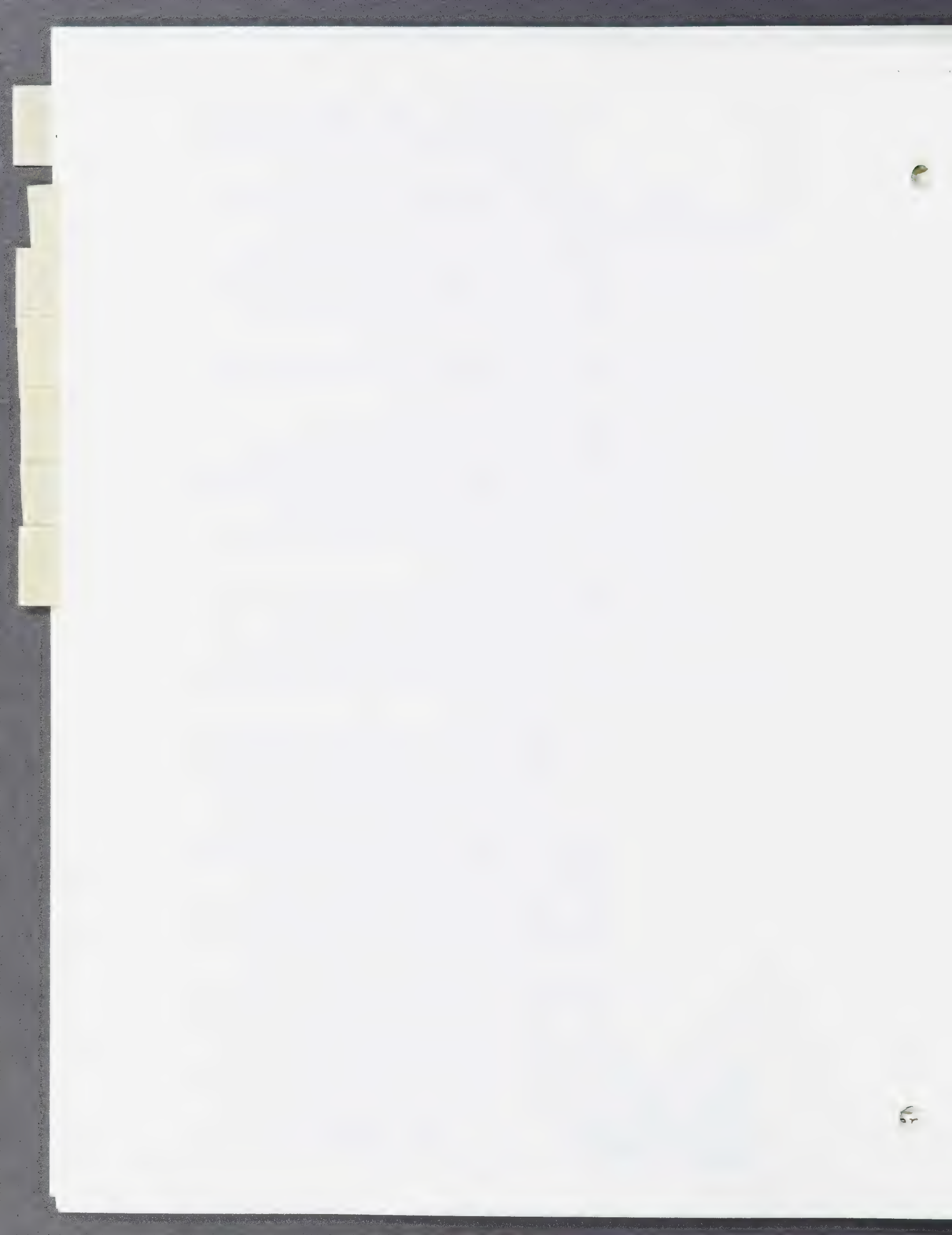
1. No vending or distribution box shall be placed,
 - (a) in such a manner as to obstruct pedestrian traffic;
 - (b) on sidewalks having a width of 2 metres or less;
 - (c) within 30 metres of all street intersections except at the back of the sidewalk;
 - (d) at bus loading areas;
 - (e) within 6 metres of any fire hydrant;
 - (f) at or adjacent to pedestrian and vehicular egress and ingress locations including ramps and crosswalks so as to obstruct or interfere with egress and ingress;
 - (g) so as to obstruct or interfere with street maintenance.
2. No vending or distribution box shall be chained, fastened or affixed to,
 - (a) utility apparatus, such as signal poles, lamp posts, Regional Transit utility poles;
 - (b) telephone booths, post boxes, bus shelters, bus roscos, sign posts, parking meters;
 - (c) buildings or any other structure not designed to accommodate vending or distribution boxes, unless written permission satisfactory to the Commissioner of Engineering is filed prior to any chaining, fastening, or affixing.
3. No deliveries to, maintenance of, and repairs to, vending or distribution boxes shall, in the opinion of the Region, obstruct or interfere with the use of the travelled portion of the highway on which the boxes are situated.
4. The exact location and manner of placement and maintenance of vending or distribution boxes shall be to the satisfaction of the Commissioner of Engineering."
5. In all other respects, By-Law R77-109 and Schedule "A" thereto is hereby confirmed, unchanged.
6. This By-law shall come into force and take effect on the date of its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED

this 17th day of July 1984.


Acting Chairman


Clerk



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R85-010

Being a By-law to amend By-law No. R77-109 to regulate the use of Regional roads.

WHEREAS Section 39 of The Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, Chapter 437 as amended, provides that the Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed;

AND WHEREAS By-law No. R77-109, passed on the 5th day of July, 1977 as amended by By-laws R82-004, R83-055, R84-059 and R84-068 regulates the use of Regional Roads within the City of Hamilton, and

WHEREAS it is advisable to amend By-law No. R77-109;

NOW THEREFORE, THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. By-law No. R79-109, passed and enacted on the 5th day of July, 1977 is hereby amended by deleting therefrom Subsection (7) of Section 11 in its entirety and by substituting therefor the following:

"(7) Bridges, Canopies and Marquees. After registration of an indemnification agreement as aforesaid,

A bridge or other structure over or across a highway for the purpose of pedestrian access, and a canopy or marquee to the curb-line at a height of at least seven feet above the sidewalk or ground;"
2. In all other respects, By-law No. R77-109 is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED
this 5th day of February, 1985.


Chairman


Acting Clerk



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R85-041

TO AMEND BY-LAW R77-109

WHEREAS section 210, paragraph 65 of the Municipal Act, R.S.O. 1980, Chapter 284 provides that by-laws may be passed,

105. For prohibiting persons from soliciting or importuning, on a highway or in a public place, others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house or for regulating persons so employed.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area;

AND WHEREAS section 210, paragraph 66 of the said Act provides that by-laws may be passed,

66. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

- (a) A by-law passed under this paragraph may be made applicable to the whole of the municipality or to any defined areas thereof;

AND WHEREAS subsection 230 (3), paragraph 3 of the said Act provides that by-laws may be passed,

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof;

AND WHEREAS section 309, paragraph 3 of the said Act provides for the passing of by-laws for permitting the use of highways by persons as may be agreed upon, specifying terms and conditions and making annual or other charges for the privilege, and requiring restoration of the highway upon the termination of the privilege.

WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth is empowered under Section 31 of The Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, Chapter 437, to exercise any of the powers formerly conferred upon the Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of an area municipality in respect of the roads now included in the Regional Road System; and

AND WHEREAS By-Law R77-109, passed on the 5th day of July, 1977, as amended by By-Laws R82-004, R83-055, R84-059 and R84-068 regulates the use of Regional Roads within the City of Hamilton, and

WHEREAS it is advisable to amend By-Law No. R77-109.

NOW THEREFORE, THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. Schedule A to By-Law No. R77-109, passed and enacted on the 5th day of July, 1977 is hereby amended by deleting therefrom Subsections (10) and (11) of Section 16 in its entirety and by substituting therefore the following:

"(10) Criers and Vendors of Smallwares. Except as may be provided in By-Law No. 85-66 of the City of Hamilton, no crier and no vendor of smallwares shall practise his calling in the market place, or on the highways or on any vacant lot adjacent to the market place or to a highway.

(11) Retail Selling. Except as may be provided in By-Law No. 85-66 of the City of Hamilton, no person shall sell by retail in any highway or on any vacant lot, lot adjacent to a highway, any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares or other articles.

Provided that this shall not be deemed to apply to the sale of newspapers or magazines in a highway, or to the operations of any licensed refreshment vehicle in a highway, or to door-to-door or other persons lawfully selling from door-to-door."

2. In all other respects, By-Law R77-109 is hereby confirmed unchanged.

3. This By-Law shall come into force and take effect on the date of its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
AND ENACTED THIS 7th day of May 19 85.

"ANNE H. JONES"

"BERNICE M. TINSSLEY"

Chairman

Acting Clerk

By-Law No. R85-066TO AMEND BY-LAW R77-109

Whereas the Council of the Regional Municipality of Hamilton-Wentworth is empowered under Section 31 of The Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, Chapter 437, to exercise any of the powers formerly conferred upon the Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of an area municipality in respect of the roads now included in the Regional Road System; and

Whereas Section 309 (3) of the Municipal Act, R.S.O. 1980, Chapter 302, as amended, provides that the Council of every municipality may pass by-laws for permitting any person to place, construct, install, maintain and use objects in, on, under, or over highways under such conditions as may be agreed upon; and

Whereas By-Law No. R77-109, passed on the 5th day of July, 1977, as amended by By-Laws R82-004, R83-055, R84-059, R84-068 and R85-041 regulates the use of Regional Roads within the City of Hamilton, and

Whereas it is advisable to amend By-Law No. R77-109.

NOW THEREFORE, THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. Subsection (14) of Section 11 of Schedule 'A' to By-Law R77-109 is hereby amended by adding thereto the following clause, namely:

"(j) is not upon those sections of Regional Roads designated in Schedule 'A' to the City of Hamilton By-Law No 85-66 as may be amended from time to time, unless a valid "Street Vendor's Licence" has first been issued by the City of Hamilton to the abutting owner or lessee."

2. Section 11 of Schedule 'A' to By-Law R77-109 is hereby amended by adding thereto the following subsection, namely:

"(15) Street Vendors. A stand and goods, as permitted by the City of Hamilton By-Law No. 85-66, by those persons to whom a valid "Street Vendor's Licence" has been issued by the City of Hamilton."

3. In all other respects, By-Law R77-109 is hereby confirmed unchanged.
4. This By-Law shall come into force and take effect on the date of its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED
this 25th day of June 1985.


CHAIRMAN
ACTING CLERK

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The Regional Municipality of Hamilton-Wentworth

BY-LAW NO. R85-117

To Amend:

Road Use By-Law No. R77-109

Respecting:

PRINT MEDIA VENDING OR DISTRIBUTION BOXES

WHEREAS paragraph 3 of Section 309 of the Municipal Act, R.S.O. 1980, Chapter 302 authorizes municipalities to pass by-laws:

3. For placing or permitting any person under such conditions as may be agreed upon to place, . . maintain and use objects . . .on . . .sidewalks and highways . . .for prescribing the terms and conditions upon which the same are to be placed . . . maintained or used, for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable, and for providing that, upon the termination of such privilege, the . . . highway or sidewalk shall be restored to its former condition at the expense of the person to whom the privilege was granted, by . . removing said object, or otherwise as may be required in the by-law;

AND WHEREAS By-Law No. R77-109, passed on the 5th day of July, 1977, governs and regulates the use of Regional Roads.

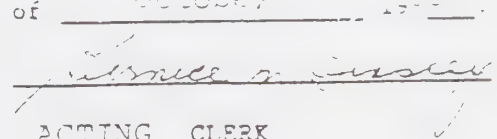
NOW THEREFORE the Council of the Regional Municipality of Hamilton-Wentworth enacts as follows:

1. Subsection (13a) of Section 11 of Schedule "A" to By-Law No. R77-109 is amended by striking out "and amending agreement" in the first and second lines.
2. In all other respects, By-Law R77-109 and Schedule "A" thereto is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED

this 1st day of October 1985


CHAIRMAN


ACTING CLERK

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW R94-117

BEING A BY-LAW TO REGULATE SIGNS ON REGIONAL ROADS

WHEREAS subsection 308(3) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the council of every municipality to pass by-laws for placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain and use objects in, on, under or over highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used and for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable;

AND WHEREAS subsection 314(1) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the councils of all municipalities to pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

AND WHEREAS subsection 32(1) of the Regional Municipalities Act, R.S.O. 1990, c. R.8, as amended, states that in respect of the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the Municipal Act, the Highway Traffic Act and any other Act in respect of highways;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth is empowered under Section 31 of the Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, Chapter 437, to exercise any of the powers formerly conferred upon the Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of an area municipality in respect of the roads now included in the regional road system;

AND WHEREAS the Council of The Regional Municipality of Hamilton-Wentworth deems it necessary to regulate the placing of signs on regional road allowances;

NOW THEREFORE, the Council of The Regional Municipality of Hamilton-Wentworth hereby enacts as follows:

Definitions

1.(1) In this by-law:

- (a) "Area Municipality" means the municipality or corporation of the City of Hamilton, the Town of Dundas, the Town of Ancaster, the Town of Stoney Creek, the Town of Flamborough or the Township of Glanbrook, all within the Regional Municipality of Hamilton-Wentworth;

- (b) "boulevard" means all parts of the Regional Road save and except any roadway, shoulder, driveway, or sidewalk and,
 - (i) "central boulevard" means a median or that part of the Regional Road lying between the roadways of a divided roadway;
 - (ii) "outer boulevard" means such part of the Regional Road lying between any sidewalk and the roadway or the shoulder where such exists; and
 - (iii) "inner boulevard" means such part of the Regional Road lying between the property line and the sidewalk, and where there is no sidewalk, it means that part of the Regional Road lying between the property line and the roadway or the shoulder where such exists.
- (c) "Commissioner" means the Commissioner of Transportation/Environmental Services or his or her designate;
- (d) "directional sign" means a sign erected for the purposes of providing directions to any building, location, or area;
- (e) "driveway" means the improved land on a roadway which provides vehicular access from the roadway to a laneway or parking area on adjacent land;
- (f) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then of the lateral boundary lines of two or more roadways that join one another at an angle, whether or not one roadway crosses the other;
- (g) "island" means a portion of a roadway so constructed as to separate or direct vehicular traffic onto specific portions of the roadway, or provided for the use or protection of pedestrians;
- (h) "permanent double sided sign" means a sign which is permanently attached at a right angle to a building or structure;
- (i) "permanent one sided sign" means a sign which is permanently attached flat against a building;
- (j) "permanent sign" means any sign which is permanently constructed at one place in the ground or is permanently attached to a building or structure and includes a permanent one sided sign and permanent double sided sign;
- (k) "place" includes the installation, erection, displaying, affixing or alteration of a sign or poster;
- (l) "portable sign" means any sign which is not permanently constructed at one place

in the ground, or permanently attached to a building or structure and includes signs known as sandwich-board signs;

- (m) "poster" means a sign made out of paper or light-weight bristol-card stock;
 - (n) "Regional Corporation" means The Regional Municipality of Hamilton-Wentworth;
 - (o) "Regional Council" means the Council of The Regional Municipality of Hamilton-Wentworth;
 - (p) "Regional Road" means a road allowance under the jurisdiction of The Regional Municipality of Hamilton-Wentworth;
 - (q) "roadway" means that part of the Regional Road that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a Regional Road includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;
 - (r) "shoulder" means that portion of the Regional Road lying adjacent to the roadway where there is no barrier curb, and which is improved to support a stopped vehicle;
 - (s) "sidewalk" includes all such parts of a Regional Road as are set aside or improved by an Area Municipality or the Regional Corporation for the use of pedestrians or used by the general public for the passage of pedestrians;
 - (t) "sign" means any device or medium which is used to convey information by way of words, pictures, emblems or symbols; and
 - (u) "traffic control device" means any sign, signal or other roadway, curb or sidewalk marking, or any other device placed for the purpose of regulating, warning or guiding traffic.
- (2) Wherever in this by-law reference is made to the placing of a sign, such term shall be deemed to include the alteration of such sign, provided that the changing of a message on a sign shall not be considered to be an alteration.

General Prohibition

2. No person shall place a sign or poster on or above any Regional Road unless:
- (a) the person has obtained a permit respecting the placing of the sign pursuant to the provisions of this by-law; or
 - (b) this by-law authorizes the placing of the sign or poster without a permit.

Government Signs

3. This by-law shall not apply to any signs or posters placed by a municipality or by the Federal or Provincial Government.

Directional Signs

4. No person, other than the Commissioner in accordance with Regional Council policy, shall place or cause to be placed any directional sign on or above a Regional Road.

Permanent Signs

- 5.(1) An owner of a building may place a permanent one sided sign against a building so as to overhang a Regional Road provided:
 - (a) the owner obtains a building permit from the Area Municipality in which the building is located; and
 - (b) the sign extends no more than 300mm from the face of the building.
- (2) An owner of a building or structure may place a permanent double sided sign which is attached to a building, or attached to a structure not on the Regional Road, so as to overhang a Regional Road provided:
 - (a) the owner obtains a building permit from the Area Municipality in which the building or structure is located; and
 - (b) the sign has an area of vertical projection of no more than 5.6 square metres; and
 - (c) the sign has a thickness between its principal faces of no more than 500mm; and either
 - (i) the sign projects over a Regional Road to the extent of not more than three (3) metres or two-thirds as far as the curb line, whichever is the lesser distance, at a height of at least three (3) metres above the ground; or,
 - (ii) where the curb line is no more than two (2) metres from the property line, it may project as far as the curb line if the clearance above the ground is at least 4.3 metres.
- (3) If an owner of a building or structure wishes to place a permanent sign which exceeds the size or distance requirements of subsections 5(1) or 5(2) of this by-law, then the owner may do so provided that an agreement authorized by Regional Council is first entered into between the owner and the Regional Corporation.
- (4) No person shall place a permanent sign on a Regional Road.

Portable Signs

- 6.(1) A person may place a portable sign on any Regional Road provided that:

- (a) the sign is not located where it may prove to be a safety hazard;
 - (b) the sign is not located on a sidewalk;
 - (c) the sign has a supporting structure which is made of durable material;
 - (d) the sign does not exceed 1.2 metres in length;
 - (e) the sign does not exceed 1.2 metres in height; and
 - (f) if the height of the sign exceeds 0.8 metres, the sign is not located within five (5) metres of any driveway nor within ten (10) metres of any intersecting street measured from the curb line.
- (2) No person shall place a portable sign over a Regional Road except for a banner which may be placed in such locations and upon such terms and conditions as are approved by Regional Council.
- (3) No person shall place a portable sign on a Regional Road which is for the purpose of advertising a commercial business unless such sign is placed on the portion of the Regional Road directly adjacent to the commercial business referred to on such sign.
- (4) If the Commissioner receives an objection to a portable sign from the owner of the property abutting the portion of the Regional Road on which the portable sign is located, the Commissioner shall remove such portable sign and the provisions of section 18 of this by-law shall apply.
- (5) The person placing a portable sign shall remove the sign within forty-eight (48) hours after the event advertised on such sign has occurred.
- (6) No person shall place or cause to be placed any portable sign for a period in excess of 30 calendar days.
7. Notwithstanding section 6 of this by-law, where an owner or lessee of a commercial property abutting a Regional Road wishes to place a portable sign on the sidewalk adjacent to such commercial property, the owner or lessee shall obtain a permit for the portable sign from the Commissioner. The Commissioner shall issue a permit for the portable sign subject to the following terms and conditions:
- (a) the owner or lessee, as may be applicable, executes an agreement satisfactory to the Regional Corporation's Commissioner of Legal Services to indemnify and save harmless the Regional Corporation from any and all actions, claims, demands, damages, expenses and losses, whatsoever which may result from the use of such portable sign;
 - (b) the owner or lessee, as may be applicable, provides and maintains in full force and

effect commercial general liability insurance in the amount of \$2,000,000.00 naming The Regional Municipality of Hamilton-Wentworth and the Area Municipality in which the commercial property is located as additional insureds, and provides to the Regional Corporation an originally signed certificate of insurance for such policy, such certificate to be in a form and with an insurance company acceptable to the Regional Corporation;

- (c) the portable sign does not conflict with normal use of a sidewalk such as at bus stop areas;
- (d) if the height of the portable sign exceeds 0.8 metres, the sign is not located within five (5) metres of any driveway nor within ten (10) metres of any intersecting street measured from the curb line;
- (e) the portable sign is not in excess of 1.2 metres in length;
- (f) the portable sign is not in excess of 1.2 metres in height if not located on the roadway side of the sidewalk;
- (g) the maximum height of the portable sign is 0.8 metres if located on the roadway side of the sidewalk;
- (h) the portable sign is not located within 0.5 metres of the edge of the Regional Road; and
- (i) there remains a minimum width of two (2) metres of unobstructed sidewalk between the commercial property and the roadway.

Posters

- 8.(1) A person may place a poster on a post, tree or utility pole on a Regional Road if:
- (a) adhesive tape is used to attach the poster;
 - (b) the poster is made of biodegradable material; and
 - (c) the size of the poster does not exceed 280mm wide by 430mm long.
- (2) No person shall fasten a poster on a post, tree or utility pole with staples or any metal device.
 - (3) No person shall place a poster on a post, tree or utility pole within fifty (50) metres of another poster providing notice of the same matter.
 - (4) The person placing a poster shall remove the poster within forty-eight (48) hours after the event advertised on such poster has occurred.

- (5) No person shall place or cause to be placed any poster for a period in excess of 14 calendar days.
- 9. Notwithstanding subsection 8(5), the Commissioner or the owner of the utility pole may remove and destroy or otherwise dispose of any poster during maintenance operations of a post, tree or utility pole regardless of the time the poster was placed.

Miscellaneous

- 10. No person shall post or exhibit any placard, play bill, poster, writing or picture or write any words, or make any pictures or drawings which are indecent or may tend to corrupt or demoralize, on any Regional Road.
- 11. No person shall pull down or deface any sign lawfully placed in accordance with this by-law.
- 12. No person shall place any sign
 - (a) on a median or traffic island on a Regional Road; or
 - (b) on any central boulevard; or
 - (c) on any outer boulevard within one (1) metre of the roadway or the shoulder where such exists; or
 - (d) on a boulevard within .5 metres of a sidewalk; or
 - (e) on the shoulder of a Regional Road; or
 - (f) on any traffic control device or traffic control device pole; or
 - (g) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle; or
 - (h) at any location where it obstructs or interferes with a door or fire escape of a building.
- 13. No person shall place any poster
 - (a) on any post, pole or tree on a median or traffic island on a Regional Road; or
 - (b) on any post, pole or tree on any central boulevard; or
 - (c) on any traffic control device or traffic control device pole.
- 14. No person shall place any sign on or over a Regional Road which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion.
- 15. No person shall place any sign, other than a permanent sign, on or over a Regional Road which is illuminated internally, or illuminated externally through the installation of auxiliary lighting, or accentuated by the use of any flashing or rotating light.

Offence

- 16. Any person who contravenes any of the provisions of this by-law or fails to comply with any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a penalty as provided for in the Provincial Offences Act.

Enforcement

17. The Commissioner is responsible for the administration and enforcement of this by-law.
- 18.(1) The Commissioner is hereby authorized to pull down or remove or cause to be removed immediately without notice, and at the expense of the owner of the sign or poster, any sign or poster that is placed in contravention of this by-law.
- (2) Except in the case of posters, signs removed pursuant to this section shall be stored by the Regional Corporation for a period of not less than 30 days, during which time the owner or his agent may retrieve the sign upon payment to the Regional Corporation of the sum of fifty dollars (\$50.00) for signs with an area of up to two square metres, and one hundred dollars (\$100.00) for all other signs.
- (3) Where a sign is so large or so placed that the cost of pulling down and removal of the sign exceeds the amount provided in subsection 18(2), the sum provided in subsection 18(2) shall not apply and the sum will be the Regional Corporation's cost of pulling down and removing the sign.
- (4) Where a sign has been removed by the Regional Corporation and stored for a period of at least 30 days and such sign has not been retrieved, and in the case of all posters which have been pulled down or removed pursuant to this by-law, the sign or poster may be destroyed forthwith or otherwise disposed of by the Regional Corporation without any notice or compensation to the owner thereof.

Headings

19. The headings contained in this by-law are for the purposes of convenience and reference only and do not form part of this by-law.

Validity

20. If a court of competent jurisdiction declares any provisions or part of a provision, of this by-law to be invalid or of no force and effect, it is the intention of the Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Short Title

21. This by-law may be known as "The Regional Sign By-law".

Commencement and Administration

22. This by-law shall come into force and effect on the date of its passing and enactment.

23. This by-law does not apply to any signs permitted by the Regional Corporation pursuant to an agreement between the Regional Corporation and the owner of the sign prior to the passing of this by-law.
24. That Schedule "A" to Regional By-law R77-109, as amended, is hereby amended as follows:
- (a) that the word "sign," in the sixth line of subsection 9(2) is hereby deleted;
 - (b) that the word "sign," in the second line of subsection 9(3) is hereby deleted;
 - (c) that subsection 11(5) is hereby repealed;
 - (d) that the words "portable signs," in the third and fourth lines of subsection 11(14) are hereby deleted; and
 - (e) that subsections 16(1) and (2) are hereby repealed.

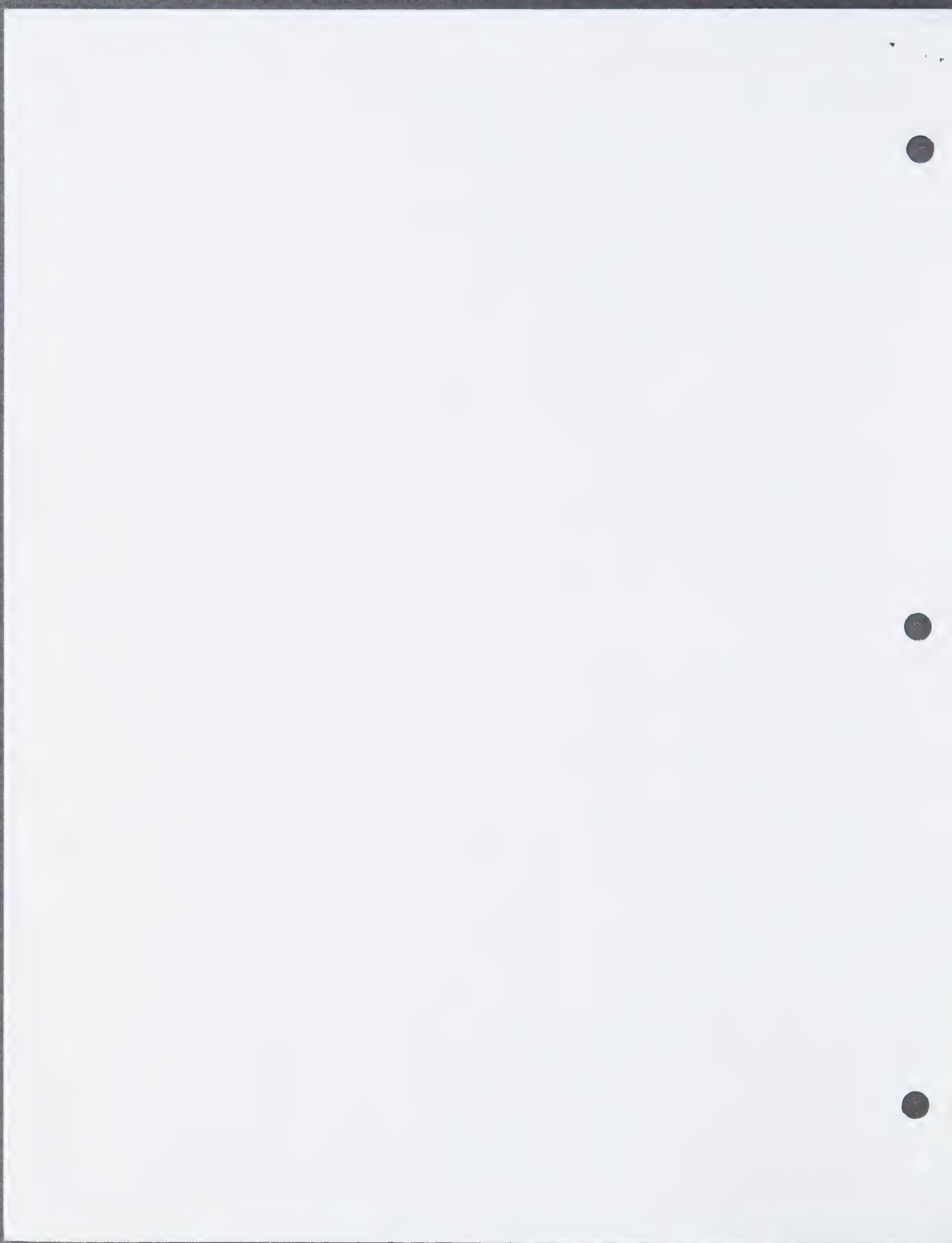
PASSED AND ENACTED this 1st day of November, 1994.


Regional Chairman


Regional Clerk

Approved
as to form

Legal
Services



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW R97-078

BEING A BY-LAW TO AMEND BY-LAW R79-109, AS AMENDED,
REGIONAL ROADS 107, 116, 207 and 220 ..
CITY OF HAMILTON AND TOWN OF ANCASTER

WHEREAS on the 5th day of June, 1979, the Council of The Regional Municipality of Hamilton-Wentworth ("Regional Council") passed and enacted By-law R79-109 to consolidate all by-laws with respect to roads included in the Regional road system;

AND WHEREAS subsection 23(2) of the Regional Municipalities Act, R.S.O. 1990, c. R.8, as amended, provides that the Regional Council may by by-law from time to time add roads to or remove roads from the Regional road system;

AND WHEREAS on the 7th day of November, 1995, the 2nd day of April, 1996 and the 17th day of June, 1997, the Council of The Regional Municipality of Hamilton-Wentworth did approve adding various roads to the Regional road system;

AND WHEREAS it is therefore necessary to further amend By-law R79-109, as amended, to add said roads to the Regional road system;


NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. That section 2 of By-law R79-109, as amended, be further amended by:
 - (a) adding thereto the plans numbered 107-1, 107-2, 107-3, 116-3 and 220-1; and
 - (b) deleting therefrom the plan numbered 207-1 and substituting therefor the plan numbered 207-2.
2. That Schedule "A" to By-law R79-109, as amended, is further amended by:
 - (a) adding thereto the plans numbered 107-1, 107-2 and 107-3, together attached hereto as Schedule "A", of the road to be known as part of Regional Road No. 107 (Lincoln M. Alexander Parkway, which for all purposes may also be referred to as "The LINC"), in the City of Hamilton;
 - (b) adding thereto the plan numbered 116-3, attached hereto as Schedule "B", of the road to be known as Regional Road No. 116 (Stone Church Road in the City of Hamilton);
 - (c) adding thereto the plan numbered 220-1, attached hereto as Schedule "C", of the road to be known as Regional Road No. 220 (Stone Church Road in the Town of Ancaster); and
 - (d) deleting therefrom the plan numbered 207-1 and substituting therefor the plan numbered 207-2, attached hereto as Schedule "D", of the road to be known as Regional Road No. 207 (Lincoln M. Alexander Parkway, which for all purposes may also be referred to as "The LINC"), in the Town of Ancaster.

3. That Schedules "A", "B", "C" and "D" attached to this by-law form part of this by-law.
4. That By-laws R95-106, R96-022 and R97-065 are hereby repealed.
5. This by-law comes into force and effect immediately after By-law R97-077, being a by-law to establish and lay out certain lands as part of the Lincoln M. Alexander Parkway, City of Hamilton, comes into force and effect.

PASSED AND ENACTED THIS 7TH DAY OF OCTOBER, 1997.


Chairman


Clerk

Approved
as to form

Legal
Services

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW R97-088

**BEING A BY-LAW TO AMEND
BY-LAW R78-109**

WHEREAS pursuant to sections 40(1) and 41 of the Regional Municipalities Act, R.S.O. 1990, c. R.8 (formerly sections 47(1) and 48 of the Regional Municipality of Hamilton-Wentworth Act, S.O. 1973, c.74, as amended) the Council of The Regional Municipality of Hamilton-Wentworth ("Council") is empowered to designate regional roads in the regional road system as controlled access roads, and prohibit and regulate the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled access road;

AND WHEREAS on the 18th day of July, 1978 the Council did enact By-law R78-109 being a by-law to designate regional roads as controlled access roads and to regulate the construction and use of any access to a regional road, and being known as the Road Access By-law (the "By-law");

AND WHEREAS at its meeting on the 4th day of November, 1997, the Council did approve Item 20 of Report 10-97 of the Transportation Services Committee and did thereby authorize various amendments to the Road Access By-law;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. That the Road Access By-law R78-109 be amended by striking out every reference in the By-law and Schedule "A" thereto to "Commissioner of Engineering", "Engineer" and "Regional Engineer" and substituting therefor in each case "Commissioner of Transportation or designate".
2. That section 1(b) of the By-law is hereby repealed and the following substituted therefor:
 1. (b) "Regional Road" means any road forming part of the road system for the Regional Municipality of Hamilton-Wentworth as continued under Part III of the Regional Municipalities Act, R.S.O. 1990, c.R.8, as amended, and said road system as amended from time to time in accordance with said Act.

3. That section 2 of the By-law is hereby repealed and the following substituted therefor:
 2. Every Regional Road which is part of the Regional road system as continued under Part III of the Regional Municipalities Act, R.S.O. 1990, c.R.8, as amended, and every Regional Road which is added to the Regional road system from time to time in accordance with said Act, is hereby designated as a controlled-access road.
4. That section 8 of the By-law is hereby repealed and the following substituted therefor:
 8. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
5. That the signing page of Schedule "A" (Access Agreement for Regional Controlled-Access Road) to the By-law be amended by deleting the signing line for the "Treasurer".
6. In all other respects, the contents of By-law R78-109, as amended, are hereby confirmed unchanged.

PASSED AND ENACTED this 4th day of November, 1997.


Chairman


Clerk

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as to form

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The Regional Municipality of Hamilton-Wentworth

By-law No. R99-087
To Amend:
Streets By-law No. R77-109

Respecting:

PANHANDLING

WHEREAS Section 32 of the Regional Municipalities Act, R.S.O. 1990, Chapter R.8 confers upon the Regional Municipality of Hamilton-Wentworth in respect of roads in the regional road system and the regulation of traffic thereon, the powers conferred upon the council corporation of a city conferred by the Municipal Act, R.S.O. 1990, c. M.45, the Highway Traffic Act, R.S.O. 1990, c. H.8, and any other act in respect of highways;

AND WHEREAS Paragraph 123 of Section 210 of the Municipal Act, confers subject to the Highway Traffic Act, the authority to regulate traffic on highways, and paragraph 1 of subsection 314(1) of the Municipal Act authorizes by-laws to prohibit or regulate the obstructing, encumbering, injuring or fouling of highways and bridges;

AND WHEREAS Paragraph 140 of section 210 of the Municipal Act authorizes municipalities to enact by-laws to regulate public nuisances;

AND WHEREAS Section 102 of the Municipal Act allows that every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for in the Act as may be deemed expedient and are not contrary to law;

AND WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth deems it necessary to ensure the public reasonably unencumbered access to pedestrian walkways within the City of Hamilton;

NOW THEREFORE the Council of the Regional Municipality of Hamilton-Wentworth enacts as follows:

1. Section 16 of Schedule "A" to By-law No. R77-109 as amended, is hereby further amended by the addition of the following as subsection 16(1):

"16(1)(a) For the purposes of this subsection:

(i) "cease" means to stop or bring to an end.

(ii) "congregate" means to gather into a group of more than one person.

(iii) "obstruct" means to interfere with passage or make passage difficult.

(iv) "officer" means a sworn member of the Hamilton-Wentworth Regional Police Service or a municipal by-law enforcement officer appointed by the Regional Municipality of Hamilton-Wentworth.

General

(b) No person shall congregate, or sit or stand, so as to obstruct the free passage of either pedestrian or vehicular traffic on any streets or sidewalks regulated by this By-law.

- (c) Any person who obstructs pedestrian or vehicular traffic on a sidewalk or street shall, when directed to do so by an officer, cease such obstruction.

Exclusions

- (d) Any parade, festive occasion or other event approved by the City of Hamilton or the Regional Municipality of Hamilton-Wentworth shall be excluded from the provisions of this subsection.

Enforcement

- (e) Sworn members of the Hamilton-Wentworth Regional Police Service and municipal by-law enforcement officers of the Regional Municipality of Hamilton-Wentworth are authorized to enforce the provisions of this subsection and subsection 16(2)."

2. Section 16 of Schedule "A" of By-law No. R77-109 as amended, is hereby further amended by adding the following as subsection 16(2):

"16(2)(a) For the purposes of this subsection, "aggressive panhandling" means:

- (i) approaching, speaking to or following a person for the purpose of entreating or urging that person to give money, in such a manner as would cause a reasonable person to fear bodily harm or harm to property on the person's immediate possession;
- (ii) touching a person without their consent while panhandling from such person;
- (iii) repeatedly panhandling from a person, or following a person after a person has made a negative response; or
- (iv) panhandling by standing, sitting or otherwise in such a manner so as to intentionally block, obstruct or interfere with the safe passage of pedestrians or vehicles, including unreasonably causing a person or vehicle to take evasive action to avoid physical contact.

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Services

- (b) No person shall aggressively panhandle on any streets or sidewalks regulated by this by-law.
- (c) No person shall solicit money from any pedestrian by panhandling on any streets or sidewalks regulated by this by-law in such a manner as to interfere with the ability of pedestrians to enter business establishments located on such streets."

3. (1) This by-law comes into force on the day of its enactment.

(2) In all other respects By-law R77-109 as amended, is confirmed without change.

PASSED this 5th day of October 1999.


CHAIRMAN


MUNICIPAL CLERK

11-1

